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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/068,106	02/05/2002	Michael Carlson	PANG-I-1002	5747
25315 7590 01/26/2007 BLACK LOWE & GRAHAM, PLLC 701 FIFTH AVENUE SUITE 4800 SEATTLE, WA 98104			EXAMINER AGWUMEZIE, CHARLES C	
			ART UNIT	PAPER NUMBER
			3621	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		01/26/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/068,106

Applicant(s)

CARLSON, MICHAEL

Examiner

Charlie C. Agwumezie

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02/05/2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on November 13, 2006 has been entered.

Status of Claims

2. Claim 1-21 are pending in this application per the request for continued examination filed on November 13, 2006.

Request for Telephone Interview

3. Applicant's request for telephone interview prior to official action was granted. However Examiner repeatedly left messages for the applicant's attorney of record P.G. Scott Born at 206.957.2491 but no response was received.

Claim Construction/Interpretation

4. With respect to claims 12-20, the Examiner notes the following: "A system is an apparatus." *Ex parte Fressola* 27 USPQ 2d 1608, 1611 (B.P.A.I. 1993)(citations omitted). Additionally, "[c]laims in apparatus form conventionally fall into the 35 U.S.C.

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§101 statutory category of a 'machine.'" *Ex parte Donner*, 53 USPQ2d 1699, 1701

(B.P.A.I. 1999)(unpublished), (Paper No. 34, page 5, issued as U.S. Patent 5,999,907).

Therefore, it is the Examiner's position that Applicant(s)' system claims are "product," "apparatus," or more specifically, "machine" claims.

Because claims 12-20 are product claims, Applicant(s) are reminded that functional recitation(s) using the word "for" or other functional language (*e.g.* see claim 12, "for storing a buyer account number and account data") have been considered but are given little patentable weight because they fail to add any structural limitations and are thereby regarded as intended use language. To be especially clear, the Examiner has considered all limitations. A recitation of the intended use of the claimed product must result in a structural difference between the claimed product and the prior art in order to patentably distinguish the claimed product from the prior art. If the prior art structure is capable of performing the intended use, then it reads on the claimed limitation. *In re Casey*, 370 F.2d 576, 152 USPQ 235 (CCPA 1967) ("The manner or method in which such machine is to be utilized is not germane to the issue of patentability of the machine itself."); *In re Otto*, 136 USPQ 458, 459 (CCPA 1963). See also MPEP §§ 2114 and 2115. Unless expressly noted otherwise by the Examiner, the claim interpretation principles in this paragraph apply to all examined claims currently pending. If

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Applicant(s) desire *not* to recite functional language, the Examiner suggests removing "for" and other functional terms.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1 and 12, are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically the claim limitation "sending the generated sample data to an administrator system, if the comparism is positive." There are two generated samples (first and second) and it is not clear which generated sample is being sent to the administrator system.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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Claims 1-4, 12, 13 and 21, are rejected under 35 U.S.C. 103(a) as being unpatentable over Benton et al U.S. Patent 4,926,325 in view of Franklin et al U.S. Patent 6,000,832.

As per **claim 1, 12 and 21**, Benton et al discloses a computer based verification method comprising:

storing a buyer account number and account data on a buyer system (col. 8, lines 20-30);

storing a seller account number and account data on a seller system (col. 3, lines 30-55; col. 8, lines 20-30);

determining a transaction amount (col. 8, line 60-col. 9, line 30; col. 16, lines 40-50);

determining a transaction time (col. 9, lines 30-35; col. 16, lines 40-50);

generating a first set of sample data from the data stored on the buyer system based on the determined transaction time and the account numbers associated with the account data previously stored on the buyer and seller systems (col. 8, lines 60-col. 9, line 30);

generating a second set of sample data from the data previously stored on the seller system based on the determined transaction time and the account numbers associated with the account data previously stored on the buyer and seller systems (col. 8, line 60-col. 9, line 30);

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comparing at least a portion of the generated first set of sample data to at least a portion of the second set of sample data (fig. 9-4; col. 10, lines 20-35);

sending the generated sample data to an administrator system, if the comparison is positive (col. 4, lines 30-38; col. 10, lines 60-67; ...transferring first and second data to a remote computer...).

comparing unique data included in the first set of sample data to unique data previously stored at the administrator system that is associated with the buyer account number (fig. 9-4; col. 8, line 60-col. 9, line 30);

comparing unique data included in the second set of sample data to unique data previously stored at the administrator system that is associated with the seller account number (fig. 9-4; col. 8, line 60-col. 9, line 30); and

completing the transaction, if the unique data comparisons are positive (figs. 9-4; 9-5).

What Benton does not explicitly teach is

sending the generated sample data to an administrator system, if the comparison is positive. Bento however discloses that in upload mode, transaction data accumulated at each machine is transmitted to the authorizing institution. Thus Benton teaches means for transmitting said transaction data to another machine but did not explicitly indicate that it was an administrator system.

Franklin et al discloses a computer based verification method comprising:

sending the generated sample data to an administrator system, if the comparison is positive (fig. 7; col. 2, lines 45-65).

Accordingly it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the system of Benton et al and incorporate a method for sending the generated sample data to an administrator system in view of the teachings of Franklin et al in order to further verify and ensure security.

As per **claim 2 and 13**, Benton et al further discloses the method, wherein the generated first and second set of sample data is further generated based on the transaction amount (col. 8, line 60-col. 9, line 30; col. 16, lines 40-50).

As per **claim 3**, benton et al failed to explicitly disclose the method, wherein the seller system is in communication with the administrator system over a network.

Franklin et al discloses the method, wherein the seller system is in communication with the administrator system over a network (col. 2, lines 45-65).

Accordingly it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the system of Benton et al and incorporate a method wherein the seller system is in communication with the administrator system over a network in view of the teachings of Franklin et al in order to further verify and ensure security.

As per **claim 4**, Benton et al further discloses the method, wherein the seller system is in communication with the buyer system over a network (col. 10, lines 60-65).

7. **Claims 5-9 and 14-18**, are rejected under 35 U.S.C. 103(a) as being unpatentable over Benton et al U.S. Patent 4,926,325 in view of Franklin et al U.S. Patent 6,000,832 as applied to claim 1 and 12 above, and further in view of Bush et al U.S. Patent 5,130,519.

As per **claim 5 and 14**, Benton et al and Franklin et al failed to disclose the method, wherein the account data at the buyer and seller systems comprise common data and unique data stored in a plurality of matrices, wherein the matrices are stored according to time.

Bush et al discloses the method, wherein the account data at the buyer and seller systems comprise common data and unique data stored in a plurality of matrices, wherein the matrices are stored according to time (fig. 3, 4, and 4A-C; col. 4, lines 38-50).

Accordingly it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the system of Benton et al and incorporate a comprise common data and unique data stored in a plurality of matrices, wherein the matrices are stored according to time as above in view of the teachings of Bush et al in order to show an alternative method of storing/representing the data.

As per **claim 6 and 15**, Benton et al further discloses the method, wherein the unique data is unique to the associated account number (col. 8, line 60-col. 9, line30).

As per claim 7 and 16, Benton et al further discloses the method, wherein the common data is commonly addressable to all buyer and seller account numbers in a series (col. 14, lines 20-30).

As per claim 8 and 17, Benton et al and Franklin et al, failed to disclose the method, wherein each matrix has a unique matrix orientation.

Bush et al discloses the method, wherein each matrix has a unique matrix orientation (fig. 3, 4, and 4A-C; col. 4, lines 17-38).

Accordingly it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the system of Benton et al and incorporate a method, wherein each matrix has a unique matrix orientation in view of the teachings of Bush et al in order to show an alternative method of storing/representing the data.

As per claim 9 and 18, Benton et al and Franklin et al, failed to disclose the method, wherein each matrix comprises an unscramble key.

Bush et al discloses the method, wherein each matrix comprises an unscramble key (fig. 4, col. 1, lines 10-20).

Accordingly it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the system of Benton et al and incorporate the method, wherein each matrix comprises an unscramble key in view of the teachings of Bush et al in order to show an alternative method of representing data.

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8. **Claims 10-11 and 19-20**, are rejected under 35 U.S.C. 103(a) as being unpatentable over Benton et al U.S. Patent 4,926,325 in view of Franklin et al U.S. Patent 6,000,832 and Bush et al U.S. Patent 5,130,519 as applied to claim 1 and 12 above, and further in view of Appleton U.S. Patent 4,016,404.

As per **claim 10, 11, 19 and 20**, Benton et al and Franklin et al failed to explicitly disclose the method, wherein generating the first set of sample data comprises retrieving a matrix based on the determined transaction time, generating a base matrix from the retrieved matrix based on the unscramble key associated with the retrieved matrix, generating a scramble matrix based on a product of the buyer and seller account numbers, and producing the sample by retrieving one or more row or columns from the generated scramble matrix.

Bush et al discloses the method, wherein generating the first set of sample data comprises retrieving a matrix based on the determined transaction time (fig. 3; col.4, lines 38-50). Bush further discloses generating a base matrix from the retrieved matrix based on the unscramble key associated with the retrieved matrix (fig. 4, col. 1, lines 10-20).

What Bush does not teach is generating a scramble matrix based on a product of the buyer and seller account numbers, and producing the sample by retrieving one or more row or columns from the generated scramble matrix.

Appleton discloses generating a scramble matrix based on a product of the buyer and seller account numbers, and producing the sample by retrieving one or more row or

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columns from the generated scramble matrix (col. 2, lines 12-45, col. 4, lines 1-15)

Accordingly it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the system of Benton et al and incorporate the methods as describe above, wherein each matrix comprises an unscramble key in view of the teachings of Appleton in order to show an alternative method of representing the data.

Conclusion

9. **Examiner's Note:** Examiner has cited particular columns and line numbers in the references as applied to the claims below for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that the applicant, in preparing the responses, fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles C. Agwumezie whose number is (571) 272-6838. The examiner can normally be reached on Monday – Friday 8:00 am – 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on (571) 272 – 6712.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free). If you would like assistance from a USPTO

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Acc
January 16, 2007

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